

# **California Victim Compensation and Government Claims Board**

## **Open Meeting Minutes**

### **October 16, 2007, Board Meeting**

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of the Chair, Rosario Marin, Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Tuesday, October 16, 2007, at 2:02 p.m. Also present were Board members Les Kleinberg, Deputy Controller, acting for and in the absence of John Chiang, Controller; and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; and Garry Ness, Chief Counsel. Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

#### **Item 1. Minutes of the September 25, 2007, Board Meeting**

The Board voted to adopt the minutes of the September 25, 2007, Board meeting.

#### **Item 2. Public Comment**

The Board opened the meeting for public comment. Linda Siegel, victim advocate and management specialist, provided comment.

Chairperson Marin requested VCGCB staff prepare a report on the Restitution Fund for the January 17, 2008, Board meeting.

#### **Item 3. Executive Officer's Statement**

The Executive Officer reported:

- The VCGCB hosted the first statewide meeting of county Victim/Witness Assistance Center directors on October 2, which provided an opportunity to discuss victim issues and other topics of mutual interest.
- October is Domestic Violence Awareness Month. Last fiscal year 27 percent of applications received by the VCP were claims relating to domestic violence. The VCGCB participated in the Californians United to End Domestic Violence 2<sup>nd</sup> annual Statewide Day of Awareness event at the State Capitol.
- CaRES, the VCGCB's new automated victim compensation claims processing system, continues to rollout to the counties. Shasta, Santa Cruz, San Luis Obispo, and Santa Barbara Counties will go live this month with El Dorado, Humboldt, Placer, San Diego, San Francisco, Sonoma, and Tulare Counties to follow. All 21 Joint Powers counties and the City of Los Angeles are anticipated to go live by the end of November 2007.
- As new enhancements were added to the CaRES system, payment files have been audited in an effort to minimize errors. The auditing slowed the payment process. Auditing is no longer needed which will result in quicker payments. The VCGCB appreciates the providers' patience while the audit was being conducted.
- The VCGCB participated in a number of conferences; this year we will have a booth at the Governor and First Lady's Conference on Women in Long Beach on October 23, 2007.

#### **Item 4. Contract Report**

The Executive Officer presented the contract report to the Board, which was an informational item.

### **Item 5. Legislative Report**

Gary Longholm, Deputy Executive Officer of the Legislative and Public Affairs Division, presented the legislative report to the Board.

### **Item 6. Proposed Board Meeting Dates for Calendar Year 2008**

The Board voted to adopt the Board meeting dates for calendar year 2008.

### **Government Claims Program**

### **Item 7. Consent Agenda (Nos. 1- 222)**

The Board voted to adopt the staff recommendations for numbers 1-222 with the exception of number 55, which was removed due to additional information received.

### **Item 8. San Mateo County Sheriff's Office** **G566549, G566550, and G566551**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$4,446.54 to be paid under authority of Government Code section 13928 (legislative pay).

### **Riverside County Sheriff's Department** **G569378, G569379, G569380, G569381, and G569382**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$8,725.94 to be paid under authority of Government Code section 13928 (legislative pay).

Board member Les Kleinberg recommended that the Executive Officer send a letter to all of the sheriff's offices throughout the state advising of their inability to submit claims to the Government Claims Program in the future due to the passage of SB 81. The Executive Officer stated that letters have been sent to county sheriff's offices and she received responses from many of those offices confirming their understanding of the new law.

Chairperson Marin recommended that courtesy calls be made to those few counties that historically submit extradition invoices beyond the six-month period.

### **Item 9. San Luis Obispo County Office of Education** **G568828**

Chairperson Marin recused herself from discussion of the claim due to her prior position as chairperson of the Integrated Waste Management Board. Board member Michael Ramos chaired the meeting in her absence.

Laura Alarcon, Manager of the Government Claims Program, stated there was a typographical error in the dollar amount claimed.

Celeste Royer appeared on behalf of the San Luis Obispo County Office of Education. Ms. Royer read a letter addressed to the Board prepared by John Barnhart, Assistant Superintendent, San Luis Obispo County Office of Education.

Mindy Fox and Sarah Keck appeared on behalf of the Integrated Waste Management Board.

The Board voted to approve the claim in the full amount of \$68,548.08 upon staff's determination of the appropriate way to pay the claim. Staff would determine whether it should be paid under authority of Government Code section 965 (agency pay), Government Code section 13928 (legislative pay), or a combination thereof.

**Item 10. County of Mono Elections Division** **G567386**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$54,070.75 to be paid under authority of Government Code section 965 (agency pay).

**Item 11. County of Amador Elections Division** **G568219**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$52,628.85 to be paid under authority of Government Code section 965 (agency pay).

**Item 12. Request for Delegation of Authority Under Government Code section 935.6 by California State University**

The Board voted to adopt the staff recommendation.

**Item 13. Applications for Discharge of Accountability for Collection**

The Board voted to adopt the staff recommendation.

Chairperson Marin requested that staff look into the option of the uncollectible debt being sold.

**Item 14. Protest of Pacific Plumbing Specialties**  
**Invitation for Bid No. CMC 096SR2003-RB**

Danni Lam appeared on behalf of the Department of Corrections and Rehabilitation.

The Board voted to adopt the staff recommendation to dismiss the protest.

**Item 15. Dwayne McKinney (Pen. Code sec. 4900 et seq.)**  
**Claim Number G507450**

Attorneys Jeffrey Rawitz and Thane Vallette appeared on behalf of the claimant.

Michael Farrell, Senior Assistant Attorney, appeared on behalf of the Attorney General's Office.

The Board voted to adopt the staff recommendation to deny the claim.

**Item 16. Approval of United Way California Capital Region as PCFD in Santa Barbara County**

The Board voted to approve United Way California Capital Region as the PCFD in Santa Barbara County.

**Victim Compensation Program**

The Board commenced the Victim Compensation Program portion of the meeting at 3:11 p.m.

### **Relief from Liability for Overpayments in the Victim Compensation Program**

The Board voted to waive the overpayment in the amount of \$43,214.89.

### **Request for Authority to File Regulations Under California Code of Regulations, title 1, section 100**

The Board voted to approve the filing of the corrected regulations and authorize the Executive Officer to file with the Office of Administrative Law.

### **Consent Agenda (Nos. 1- 4)**

The Board voted to adopt the staff recommendations.

### **Requests for Reconsideration**

#### **Recommendations: Deny (Nos. 5-23)**

The Board voted to adopt the staff recommendations for numbers 5-23 with the exception of number 18, which was pulled.

### **Reconsideration Following Board Action on a Proposed Decision**

#### **Recommendation: Allow (No. 24)**

The Board voted to adopt the staff recommendation.

### **Reconsiderations Following Board Action on a Proposed Decision**

#### **Recommendations: Deny (Nos. 25-33)**

The Board voted to adopt the staff recommendations.

### **Proposed Decisions Following Failure to Respond (Nos. 34- 43)**

The Board voted to adopt the proposed decisions.

### **Proposed Decisions Following Failure to Appear (Nos. 44- 72)**

The Chief Counsel stated that item number 54 contained a typographical error. The correct claim number is 898082.

The Board voted to adopt the proposed decisions for numbers 44-72.

The Chair thanked the Board members and VCGCB staff for their assistance with the resolution of a government claim on last month's agenda.

### **Closed Session**

Pursuant to Government Code section 11126(c)(3), the Board adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, and Chief Counsel at 3:19 p.m. to deliberate on the proposed decisions, numbers 73-106.

The Board reconvened into open session at 3:29 p.m.

### **Open Session**

The Board voted to adopt the proposed decisions for numbers 73-106.

The Chair stated that the next Board meeting would be held on Thursday, December 13, 2007.

### **Adjournment**

The Board meeting adjourned at 3:29 p.m.

Karen McGagin  
Executive Officer

---

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of December 13, 2007, at Sacramento, California.

Date: December 13, 2007

By: \_\_\_\_\_

Board Liaison

(Affix Seal here)